

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair Joan Duff, members Vincent Chiozzi, Jay Doherty, Eric Macaux, Lelani Foster and associate member Zach Bergeron; also present was Jacki Byerley, Planner.

200 Andover Street:

Ms. Duff opened the continued public meeting on 200 Andover Street, Master Shin's, a Site Plan Review. Ms. Byerley stated that the discussion was held open because of a request from DPW for additional information to be placed on the plans of current grading, the stormwater management of two drywells and porous pavement and snow storage areas. The applicant has also submitted the Operations and Maintenance Plan that the DPW requested. The applicant has made a change to the plan set showing that the two parking spaces near the transformer will not be constructed initially.

Mark Yanovitz representing the applicant stated that the applicant chose to eliminate the two parking spaces near the transformer in order to reduce cost. The Zoning By law requires the use to have 16 parking spaces, and they will be providing 18 parking spaces. The decision to eliminate those spaces was also based on an abutters concern about headlights shining on to her property. Ms. Duff asked if the fence around the transformer will stay in place to block headlights. Mr. Yanovitz stated that the fence is a vertical picket fence, not a light blocker. He added that in order to place the arborvitaes in the location where they are shown on the plan, a stone wall may need to come down.

Mr. Doherty asked if there was room in the driveway for parallel parking. Mr. Yanovitz answered that parallel parking in the driveway is an option, but that area is a landscape buffer and they are trying their best to eliminate impervious pavement. Mr. Doherty asked how many employees worked at the karate studio. Dongkwon Shin, the applicant stated that there is a total of three employees.

On a motion by Ms. Foster seconded by Mr. Macaux the Board moved to close the discussion and issue a Site Plan Certificate of Approval for the addition to 200 Andover Street subject to the condition that the applicant shall plant the landscaping as shown prior to occupancy and shall replace any landscaping features that fail to survive for one year from the date of planting in kind and in similar size and the other ten conditions as noted in Jacki Byerley's memo dated January 27, 2014. **Vote:** Unanimous (6-0).

Ferry Crossing HOA:

Ms. Byerley informed the Board that the applicant's attorney has been working with Town staff including the Board of Health, DPW and Town Counsel to draft HOA documents for Ferry Crossing. The developer has used the Town's template and added all information required for this specific project including the sewer force mains and the addition of the full Operation and Maintenance Plan as attachments. A preconstruction meeting was held today and they would like to get started as soon as they can to put the sewer into the River Road area. Once their HOA is approved and recorded at the Registry they can begin work.

Ferry Crossing HOA (cont'd):

Mr. Doherty asked if inspections twice a year was standard, and Ms. Byerley answered that it was. He then asked if \$6,500 is standard. Ms. Byerley answered that the \$6,500 was not the cost of inspections; it is a start up fund that the HOA can draw off of if the developer fails to do the inspections. Mr. Doherty then asked if the HOA was responsible for the inspections and Ms. Byerley answered that the developer is responsible until the lots are all sold and then the HOA takes over responsibility.

On a motion by Mr. Bergeron seconded by Mr. Doherty, the Board moved to accept and approve the Homeowner's Association documentation associated with the cluster subdivision of Ferry Crossing. **Vote:** Unanimous (6-0).

Site Plan Review Dover Use Fee:

Ms. Byerley informed the Board that in her research she has found that the Board has always waived the fee on Site Plan Review Dover uses. The fee for a site plan review is a \$500 administrative fee plus \$0.25 per gross floor area. The Dover use review is generally scaled down compared to a normal site plan review. She suggests that the Board stop waiving the fee and instead implement a reduced fee of the \$500 administrative fee plus \$0.10 per gross floor area.

Mr. Chiozzi asked Ms. Byerley if she had reviewed this with anyone else in Town such as the Town Manager. Ms. Byerley stated that she reviewed it with the Director of Planning. Mr. Bergeron asked if the \$0.10 would cover staff's time and Ms. Byerley answered that it would. Ms. Byerley pointed out that Conservation, Building and the Board of Health have their own separate fees that they do not waive or reduce. Ms. Duff asked if anyone has ever not asked for a waiver. Ms. Byerley stated that Merrimack College did not request a waiver for their five new residences because it was a more intense use with every Town department involved in the review. Mr. Macaux asked if a fee reduction instead of a waiver would balance things out more when they have a more intense project. Ms. Byerley stated that she thought it would.

Mr. Doherty asked why they wouldn't keep it the fee at \$0.25. Ms. Byerley stated that the purpose of the reduction is to stop granting waivers. Mr. Chiozzi questioned if any fee is enough to cover staff time. He noted that the Dover uses are generally non-profits and any fee is going to be deemed a hardship when the prior amount was zero. Ms. Foster stated that the fee isn't meant to totally cover the Planning cost but to subsidize it. Mr. Chiozzi stated that the argument then isn't that the fee covers the review cost. Ms. Byerley explained that she based the fee on the staff and Board review time of a Dover use as opposed to the review time of a special permit or a subdivision. Mr. Macaux questioned if they will end up in a position where they will just waive the fee anyway due to hardship. Ms. Loder offered that if any group should be able to budget the permit fees into their project. Mr. Chiozzi offered that a decision should not be made until the Town Manager is consulted, because he is the one who will get the complaints.

15 Salem Street – Phillips Academy Wellness Center Deliberations:

Ms. Duff opened the deliberations for the Phillips Academy Wellness Center, 15 Salem Street, Site Plan Review Dover Use.

15 Salem Street – Phillips Academy Wellness Center Deliberations (cont'd):

Ms. Byerley reminded the Board that on January 14th they closed the discussion on the construction of a wellness center at the site of what was faculty housing. She recommended the Board issue a favorable recommendation to the Inspector of Buildings with the ten conditions provided in her memo. Mr. Doherty questioned if all of the conditions were basic or if there were any specific conditions. Ms. Byerley answered that all of the conditions were basic.

On a motion by Ms. Foster seconded by Mr. Bergeron the Board moved to issue a favorable recommendation with conditions to the Inspector of Buildings for the Site Plan as reviewed to construct a 16,800 sf Wellness Center at Phillips Academy. **Vote:** Unanimous (6-0).

Pine Forest Park – Sidewalk Waiver Request and Sidewalk Fund Amount:

Ms. Byerley informed the Board that the applicant has been moving forward with construction of the Pine Forest Park subdivision. The applicant is requesting that the Board grant a minor modification to allow the sidewalks not to be constructed because there are no sidewalks on the adjacent Flash Road in North Reading for these sidewalks to connect to. They understand that if the Board votes that the modification is minor, they will be required to place an amount of money determined by the DPW into the Town's sidewalk fund. Mr. Chiozzi asked if they had agreed to an amount and Ms. Byerley answered that they had. Mr. Bergeron asked what the amount is for. Ms. Byerley explained that the amount is the cost is what that the sidewalk would cost the developer to put in. The developer will deposit that amount into a Town account to be used to repair and replace sidewalks elsewhere in Town. Mr. Doherty recollected that during the public hearing process, sidewalks were a big deal for those in North Reading. Ms. Byerley answered that it was a big deal because the North Reading residents did not want Flash Road to be improved with the addition of sidewalks, and last year, North Reading approved a redesign of the Flash Road improvements that eliminated the sidewalks. Mr. Chiozzi asked if they should put in a platform at the end of the street for the kids waiting for the bus. Ms. Byerley stated that the bus will not pick the kids up there; they will get picked up at the end of Flash Road.

On a motion by Ms. Foster seconded by Mr. Macaux the Board moved to find the request from Angelo Petrosino for the removal of sidewalks in the Pine Forest Park subdivision to be a minor modification. **Vote:** Unanimous (6-0).

On a motion by Ms. Foster seconded by Mr. Bergeron the Board moved to approve the removal of the sidewalks in the Pine Forest Park subdivision as shown on Grading Plan Sheets 5 & 6 and Detail Sheet 9 entitled "Pine Forest Park" dated 9/22/09 revised 1/3/14 and that the funds to be deposited into a Town of Andover account total \$20,721.78. **Vote:** Unanimous (6-0).

Mobile Food Vendor Bylaw:

Ms. Byerley informed the Board that she has provided them with two documents, a mobile food vendor bylaw and mobile food vendor regulations. She is requesting the Board vote on sponsoring the proposed Mobile Food Vendor Bylaw for a Town Meeting Warrant Article. If passed at Town Meeting the bylaw would authorize the Board of Selectmen to set regulations for Mobile Food Vendors. She has started a rough draft of regulations that would be approved by the Board of Selectmen, not at Town Meeting. She hopes that the drafting of the regulations will

Mobile Food Vendor Bylaw (cont'd):

be a cooperative effort with the Board of Health, the Inspector of Building, the Department of Public Works and a few of the downtown business owners.

Mr. Chiozzi asked if it was limited to the Central Business District, and Ms. Byerley stated that it was not, but it could be. Mr. Chiozzi then asked if it could be on any public way and Ms. Byerley stated that he was correct. Ms. Loder asked why the Inspector of Building would be an enforcing person. Ms. Byerley stated that it was because he was most familiar with different areas of Town and with what the businesses might need. From a regulatory standpoint he has a lot of information from inspections and background information. Ms. Duff asked if they could add specific locations to the regulations and Ms. Byerley stated that they could.

Mr. Chiozzi asked if the Bylaw passes if the regulations would be drafted after that and Ms. Byerley answered that they would. Ms. Loder asked why the bylaw calls for the principle business to be a mobile food vendor. She wanted to know if this meant that they could not have another business, such as a restaurant owner who wanted to also have a mobile food cart. Ms. Byerley stated that that was not the intent, and she will double check to see if the word principle has to stay in the bylaw and if it does not she can take it out. Ms. Duff asked if Tom Urbelis had reviewed this. Ms. Byerley stated that he had, but she had never posed that question to him. Mr. Chiozzi asked who would grant the license and Ms. Byerley stated the Board of Selectmen. Ms. Loder asked when the licenses come for renewal and Ms. Byerley answered January. She questioned if the renewal date should be changed to a less busy time. Ms. Byerley stated it is easier to remember if everything comes due the same time. The only thing that isn't renewed at that time is outdoor dining because it is seasonal.

Ms. Loder asked if the Town could prohibit a sex offender from getting a license. Mr. Byerley stated that her understanding was that they can. Ms. Loder asked if a new CORI should take place at the annual renewals. Ms. Byerley stated yes. Ms. Loder asked if the Town should be concerned about driving records of the operators. Ms. Byerley stated that the Police Department will issue an advisory report to the Board of Selectmen for their review. Ms. Duff asked if it would go back to the Police Department for review at the renewal and Ms. Byerley answered that it would. Ms. Loder asked if they could move improperly parked cars at the permit holder's expense. Ms. Byerley answered that section refers to towing a vehicle which would be at the owner's expense.

Mr. Chiozzi asked what the regulations are now for the existing trucks. Ms. Byerley stated Board of Health regulations, which they still would have to follow after this. Mr. Chiozzi then asked who decides now where the trucks can be and Ms. Byerley explained that they can currently be on any public way in Andover as long as they follow posted parking regulations. Ms. Loder asked why they should care about inactivity. Ms. Byerley stated that it is because they will be possibly giving them parking spaces, and they shouldn't park in that space when they are inactive just because they have a license. Ms. Duff asked if spaces will be lost in the lot. Ms. Byerley answered potentially for a few hours. Mr. Bergeron asked if they will be paying for the parking. Ms. Byerley stated that the idea is to have 3 or 4 designated spots that they could park 3-4 hours at a stretch at no cost. The spaces could be possibly located at Old Andover Village, by the Train Station or Park Street. If a mobile vendor does not want to be in those lots,

Mobile Food Vendor Bylaw (cont'd):

they would have to obey all street parking regulations. Ms. Loder asked what would happen if they wanted to park at the high school. Ms. Byerley stated that to park at a school or a park they would need permission from the school department or the Town's Plant and Facilities Department. Ms. Foster asked if the mobile vendor could be non-food and Ms. Byerley answered potentially, and they would go through the process of the hawkers/peddlers licensing.

Ms. Byerley informed the Board that there would be another public meeting that would allow for outside input.

On a motion by Mr. Macaux seconded by Mr. Doherty the Board moved to sponsor the Mobile Food Vendor Bylaw for placement within the 2014 Town Meeting Warrant as a general bylaw.

Vote: Unanimous (6-0).

Adjournment: The meeting was adjourned at 8:49 p.m.